

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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IN RE PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	MDL NO. 1456
LITIGATION	)	Civil Action No. 01-12257-PBS
_____	)	
	)	Hon. Patti B. Saris
THIS DOCUMENT RELATES TO THE	)	
AMENDED MASTER CONSOLIDATED	)	Chief Mag. Judge Marianne B. Bowler
CLASS ACTION	)	
_____	)	

**TRACK TWO DEFENDANTS' MOTION TO COMPEL PLAINTIFF BLUE CROSS  
BLUE SHIELD OF MASSACHUSETTS, INC. AND  
THIRD-PARTY NATIONAL HERITAGE INSURANCE COMPANY  
IN THEIR CAPACITIES AS THE MEDICARE PART B CARRIERS FOR  
MASSACHUSETTS  
TO PRODUCE DOCUMENTS AND WITNESSES FOR DEPOSITION  
PURSUANT TO SUBPOENA**

Defendant Aventis Pharmaceuticals Inc. on behalf of itself and all other Track Two Defendants, hereby moves this Court for an order compelling plaintiff Blue Cross Blue Shield of Massachusetts, Inc. ("BCBSMA") and third-party National Heritage Insurance Company ("NHIC") to produce designees and documents responsive to the subpoenas served upon BCBSMA on October 21, 2005 and October 28, 2005 and upon NHIC on October 27, 2005 and October 28, 2005 and for such other and further relief as this Court deems just and appropriate. The grounds for this motion are set forth in the accompanying memorandum of law, the Declaration of Michael DeMarco, and the exhibits thereto.

/s/ Michael DeMarco  
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*Attorneys for Defendant  
Aventis Pharmaceuticals Inc. on behalf of  
the Track Two Defendants*

Dated: February 28, 2006

**LOCAL RULE 7.1(A)(2) AND 37.1 CERTIFICATION**

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel hereby certifies that counsel for Defendants conferred with counsel for Plaintiff Blue Cross and Blue Shield of Massachusetts, Inc. and Third-Party National Heritage Insurance Company in an attempt to narrow the areas of disagreement. The parties were unable to resolve the instant dispute.

/s/ Michael DeMarco  
Michael De Marco

**CERTIFICATE OF SERVICE**

I hereby certify that on February 28, 2006, I caused a true and correct copy of the foregoing to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456.

/s/ Michael DeMarco  
Michael De Marco